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File No. 2-40

Previous References. (Legis.)

Serial Nos. 37

Later References.

(14)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One and

Part B for August 1940

SUBJECT.

Delegation of Powers under rule 89 of the Defence of India Rules

Serial No.

From

The Secretary to the Hon'ble the Resident

149 J 1940 dated 15th June 1940.

regarding assistence to Military Commanders when need arises by firing them power under rule 89 of the Defence of India Rules.

1) It is stated that in order to facilitate movement of troops in emergency., the powers exercisable under rule 89 of the Defence of India Rules have been delegated to - Commanders of Brigade areas and State Commanders. The notification issued in this behalf is also sent for reference. It is requested that every possible assistence may be afforded by this Government if and when the need arises for the exercise of such powers.

2) Rule 89 relates to the control of road transport and gives power to regulate etc., the use of vehicles etc., for the purpose of road transport. Power is also given to requisition all vehicles for the transport of goods or persons.

3) A similar notification does not appear called for here under the Rules as in force in Mysore.

4) If approved, the Residency will be informed that this Government will give the assistence wanted.

5) Copies of the P.U.D. will if approved be sent to the I.G. of Police and the Chief Commandant, Mysore State Troops for information.

DELEGATION OF POWERS UNDER RULE 89 OF THE DEFENCE OF INDIA RULES.

File No. of 194 .

General and Revenue Secretariat.

Serial No.

OFFICE OF THE FIRST MEMBER OF COUNCIL
JUN 21 1940
No 12188

Submitted for orders with a draff to the Residency.

6) If we agree to the request of the Resy it would necessitate the issue of a notification in the State under rule 89. In that case, a Commander of a British unit will have to be permitted to act within the State when an emergency arises. It is not clear if the Chief Commandt may not render the required assistance by Exercising powers under rule 89 as in force here

MS
21/6

Rtd
22/6/40

8) MS
25-6-40

MS
25/6

9) A revised draft is submitted.

10) Appd
MS
29/6

Issued Pol I dated 1 July 1940 to the Residency.

From

The Secretary to the Govt of the N. W. Frontier Province

No. 7. 1140-40 (W) dated 24th July 1940

Delegation of Powers under rule 89, Defence of India Rules

General and Revenue Secretariat / 40 | File No. 349 of 194 . | [App. F. III-2

748

Serial No.

OFFICE OF THE FIRST MEMBER OF COUNCIL
JUL 25 1940
No 1085

requesting that this Government will agree to delegate powers under rule 89 to Commanders of Military Forces.

11) When the Residency first made the request, we suggested that the powers required would be delegated to the Chief Commandant Mysore State Troops. The Residency now state that it is not impossible that His Majesty's Forces may be compelled to enter State territory in the process of defending India and they request that in the event of such a contingency we may agree to delegate to the unit commander powers under rule 89 of the Defence of India Rules, as applied to Mysore.

12) Reference is invited to para 6 of the notes wherein it has been observed that the delegation of such a power will mean that the Commander will be enabled to exercise in Mysore all the vast powers conferred by the rule.

13) No immediate action is called for but the expediency of agreeing to delegate such powers if and when the necessity for it arises is for orders.

Sd/ 25/7/40

14) May be agreed to as we have conceded the right of defending us after intimation of the Crown Representative

1st Member

15) Agd
26/7/40

Dewan)

16) Agd
26-7-40

17) A draft to the Residency is put up for orders.

Sd/ 29-7-40

18) Approved.
Is it not necessary to send a copy to C.C.?

27/7

NOTE—Contn. Sheet.

Delegation of powers under rule 89 of the Defence of India Rules

File No.	of 194 .	General and Revenue Secretariat
		Serial No.

Issued P. 683 dated 30th July 1940 to the Residency.

The letter to the Residency has been issued.

Reference is invited to para 18 of the notes above. A copy of the letter sent to the Residency will, if approved, be sent to the Chief Commandant for information.

Submitted with a draft.

31.7.40

Appd
MS
31-7-40

Issue
Mem
A/C

Mad. P. 758 enc 1 dated 2-8-40 to the Chief Commandant, Home State Transp.

SECRET.

No. 149 of 1940.

From

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Dated (Camp)Mysore, the 15th June 1940.

CS.L 1115/1576

Delegation of powers under rule 89 of the Defence of India Rules.

Sir,

I am directed to say that in order to facilitate movements of troops in emergency, the Government of India consider that powers under rule 89 should be exercisable by Commanders of Brigade areas and Station Commanders. They have issued a notification No. 489-OR/40, dated the 6th June 1940, to this effect, a copy of which is enclosed. Instructions have been issued to Commanders that powers must not be used except for purposes of internal defence and that they should act in consultation with Provincial authorities.

2. I am to request that, if the Government of Mysore see no objection, every possible assistance may kindly be afforded to Commanders, if and when the need arises for the exercise of their powers under rule 89 of the Defence of India Rules.

I have the honour to be,
Sir,
Your most obedient servant,

R Macaulay

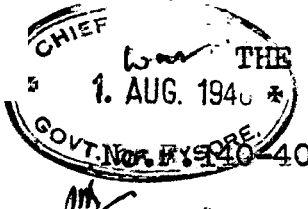
SECRETARY TO THE RESIDENT

DEFENCE CO-ORDINATION DEPARTMENT
NOTIFICATION.
Simla, the 20th July 1940.

No.489-O.R./40.--- In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Defence Co-ordination Department, No.489-O.R./40, dated the 6th June 1940, namely:-

In the said notification for the words "Commander of a Brigade Area" the words "Commander of an Area" shall be substituted.

Sd. A. deC. WILLIAMS,
Secretary to the Government of India.



FROM THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,
Dated Bangalore, the 1st August 1940.

No.F.149-40/W.

A copy of the foregoing notification is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore, for information, with reference to secret letter from this Residency No.F.149-40, dated the 15th June 1940.

for SECRETARY TO THE RESIDENT.

Government of India.
Defence Co-ordination Department.

NOTIFICATION.

Simla, the 6th June 1940.

No. 489-OR/40.- In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the powers conferred on it by rule 89 of the Defence of India Rules shall be exercisable also by any Commander of an Area and any Officer Commanding a station.

A.DeC. WILLIAMS,

Secy. to the Govt. of India.

DRAFT.

SECRET.

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Delegation of powers under rule 89 of of the Defence of India Rules.

I am directed to acknowledge the receipt f your Secret letter No.149 of 1940 dated the 15th June 1940 on the above subject and to state that this Government will give every possible assistance if and when the need arises for the exercise of powers under rule 89 of the Defence of India Rules, provided timely intimation is given.

I have etc.,

21/6

Chief Secy. to Govt.

DRAFT. Pol I & 1-7-1940

SECRET.

The Secretary to the Hon'ble the Resident
in Mysore, Bangalore.

Delegation of powers under rule 89
of the Defence of India Rules.

With reference to your Secret letter No.149 of 1940 dated the 15th June 1940 on the above subject, I am directed to state that this Government will give every possibl assistance by requesting the Chief Commandant to render the required assistance by exercising powers under rule 89 of the Defence of India Rules, as applied to Mysore, if timely intimation is given to enable this to be done.

If the proposed action is acceptable, a notification will be issued under the Rules in force here similar to the Notification of the Government of India.

I have etc.,

29.6.40

Chief Secretary to Government

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 1st July ~~June~~ 1940.

No. Lol /

SECRET

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

DELEGATION OF POWERS UNDER RULE 89 OF THE DEFENCE OF INDIA RULES.

With reference to your Secret letter No.149 of 1940 dated the 15th June 1940 on the above subject, I am directed to state that this Government will give every possible assistance by requesting the Chief Commandant to render the required assistance by exercising powers under rule 89 of the Defence of India Rules, as applied to Mysore, if timely intimation is given to enable this to be done.

If the proposed action is acceptable, a notification will be issued under the Rules in force here similar to the Notification of the Government of India.

I have the honor to be,

Sir,

Your most obedient servant,

MK 29/6

Chief Secretary to Government.

SECRET

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.140-40(W)

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore. Bangalore.

Dated Bangalore, the 24th July *1940.*

CS.(Gen) MK 24/7

Delegation of powers under Rule 89 of the Defence of India Rules.

SIR,

I am directed to refer to your letter No.Pol.1, dated the 1st July 1940

2. The Government of India explain that it is not impossible that in the process of defending India, units of His Majesty's forces may be required to enter the territory of an Indian State and in that event and if the unit commander makes such a request, it would be appreciated if the Indian State concerned would delegate to him such powers under their counterpart to Defence of India Rule 89 as may be necessary for his purpose.

3. The Resident will be grateful if the Government of Mysore will kindly agree to take the required action in the even of such a request being made by a unit commander in an emergency

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

KRly

Draft)

SECRET.

To

The Secretary to the Hon'ble
the Resident in Mysore.

Delegation of powers under rule 89
of the Defence of India Rules.

Sir,

I am directed to acknowledge the receipt of your Secret letter No.F.140-40(W) dated 24th July 1940 on the above subject and to state that this Government have no objection, in the event of a request being made by a unit commander in any emergency that may arise in the process of defending India, to delegate to him such powers under Rule 89 of the Defence of India Rules, as applied to Mysore, as may be considered necessary.

I have etc.,

29/7

Chief Secretary to Government.

TNR)

2-40-37

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

SECRET.

General and Revenue Secretariat

Dated, Bangalore. 30th July 1940.

No. P 682

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

Delegation of powers under rule 89 of the Defence of India Rules.

I am directed to acknowledge the receipt of your Secret letter No.F.140-40(W) dated 24th July 1940 on the above subject and to state that this Government have no objection. In the event of a request being made by a unit commander in any emergency that may arise in the process of defending India, to delegate to him such powers under Rule 89 of the Defence of India Rules, as applied to Mysore, as may be considered necessary.

I have the honour to be,

Sir,

Your most obedient servant,

CHIEF SECRETARY TO GOVERNMENT.

The Chief Commandant,
Mysore State Troops.

Sir,

Delegation of Powers under rule 89 of the Defence of India Rules.

I am directed to state that the Residency made a request that this Govern might agree to delegate to unit commander of ~~the~~ this Majesty's Forces, powers under Rule 89 of the Defence of India Rules, as applied to Mysore, in the ~~contingency~~ Contingency of such ~~XXX~~ Forces entering the State in the process of defending India and to forward herewith for your information the reply to the request agreeing to do so in the contingency mentioned by them.

I have etc.

1115
31.7.40

Chief Secretary to Govt.

Sony